

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TATYANA RUZHINSKAYA, as Administratrix  
of the Estate of MARINA ROCHNIAK, Deceased,  
on behalf of herself and all others similarly  
situated,

Plaintiff,

v.

HEALTHPORT TECHNOLOGIES, LLC

Defendant.

Case No.: 1:14-cv-02921 (PAE)

ECF Case

Electronically Filed

**NOTICE OF PLAINTIFFS'  
OMNIBUS MOTION *IN LIMINE***

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Omnibus Motion in Limine and the exhibits attached thereto, Plaintiff Tatyana Ruzhinskaya, as Administratrix of the Estate of Marina Rochniak (individually, "Plaintiff"), and on behalf of the members of the Class (collectively, "Plaintiffs"), hereby moves before the Honorable Paul A. Engelmayer for an order precluding evidence and argument at trial:

1. that Plaintiff was not injured by any overcharges;
2. regarding Plaintiff's lack of direct contact with Defendant HealthPort Technologies, LLC ("HealthPort");
3. that Plaintiff's litigation costs in the underlying malpractice action were fair and reasonable;
4. regarding voluntary payment or waiver;
5. regarding the draft of the records request sent to Beth Israel Medical Center ("Beth Israel");

6. regarding HealthPort's electronic delivery fee;
7. regarding the distribution of the settlement proceeds from Plaintiff's mother's estate;
8. regarding the discarding of records by Plaintiff's attorneys in the underlying medical malpractice action;
9. regarding testimony by corporate witnesses without personal knowledge; and
10. regarding Plaintiffs selection of counsel and decision to file, motivation for and timing of filing suit.

Please take further notice that Defendant's response, if any, must be served on the undersigned no later than September 16, 2016. (*See* Dkt. #190.)

Dated: September 2, 2016

Respectfully submitted,

By: /s/ Mathew P. Jasinski

William H. Narwold

Mathew P. Jasinski

Michael J. Pendell

Laura W. Ray

MOTLEY RICE LLC

20 Church St., 17th Floor

Hartford, CT 06103

(860) 882-1681

(860) 882-1682 (fax)

bnarwold@motleyrice.com

mjasinski@motleyrice.com

mpendell@motleyrice.com

lray@motleyrice.com

*Class Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that September 2, 2016, a copy of the foregoing Notice of Omnibus Motion *in Limine* was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Mathew P. Jasinski

Mathew P. Jasinski